

Message Text

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DRAFTED BY EUR;SOV;LFWILLEMS:REH
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C O N F I D E N T I A L STATE 053518

E.O. 11652: GDS

TAGS: PDIP, ASEC, UR, US

SUBJECT: SOVIET CONCERNS OVER PENDING US IMMUNITIES
LEGISLATION

REF: A. MOSCOW 2738, B. USUN 640 (NOTAL), C. 77 STATE
267266

1. PROPOSED IMMUNITIES LEGISLATION WILL BE CONSIDERED BY
SENATE COMMITTEES TOWARD END OF THIS MONTH, AND WE EXPECT
ENACTMENT LATE THIS SPRING. THE LEGISLATION PROVIDES INTER
ALIA THAT THE PRESIDENT CAN ENTER INTO RECIPROCAL AGREE-
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MENTS EXTENDING GREATER IMMUNITIES THAN THOSE CONFERRED BY
THE VIENNA CONVENTION.

2. FYI DEPARTMENTS OF STATE AND JUSTICE ARE WORKING TO
AMEND THE FINAL SENTENCE OF SECTION 5 TO PERMIT THE INDI-
VIDUAL DIPLOMAT OR THE DEPARTMENT TO FILE THE MOTIONS OR
MAKE SUGGESTIONS FOR DISMISSAL OF ACTIONS AGAINST PERSONS

WITH DIPLOMATIC IMMUNITY. COMMITTEE STAFFERS SEEM FAVORABLY DISPOSED. TEXT OF LANGUAGE PROPOSED BY DEPARTMENTS OF STATE AND JUSTICE IS AS FOLLOWS:

3. QUOTE 5(A) ANY ACTION OR PROCEEDING BROUGHT AGAINST AN INDIVIDUAL WHO IS ENTITLED TO IMMUNITY WITH RESPECT TO SUCH ACTION OR PROCEEDING UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS, UNDER SECTION 3(B) OR 4 OF THIS ACT, OR UNDER ANY OTHER LAWS EXTENDING DIPLOMATIC PRIVILEGES AND IMMUNITIES, SHALL BE DISMISSED.

4. QUOTE (B) SUCH IMMUNITY MAY BE ESTABLISHED UPON MOTION OR SUGGESTION BY OR ON BEHALF OF THE INDIVIDUAL, OR AS OTHERWISE PERMITTED BY LAW OR APPLICABLE RULES OF PROCEDURE. END QUOTE END FYI

5. FOR SECTION 5 TEXT IN HOUSE VERSION SEE REF C, PARA 4.

6. PLEASE INFORM SOKOLOV THAT DEPUTY ASSISTANT SECRETARY LUERS FOLLOWED UP ON THIS MATTER UPON HIS RETURN FROM MOSCOW. FURTHER, PLEASE INFORM KHLESTOV THAT LEGAL ADVISER HANSELL HAS PERSONALLY REVIEWED THIS MATTER. ALSO, ADVISE BOTH THAT THE DEPARTMENT IS GIVING FULL CONSIDERATION TO MFA'S CONCERNS. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PRIVILEGES, GOVERNMENT REACTIONS, PROPOSALS (BID), LEGISLATIVE BILLS
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Draft Date: 02 mar 1978
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition History: n/a
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